

REMARKS

Claims 1-13 are pending in the present application. In the above amendments, Claims 1-4, 6-7, and 9-13 have been amended to clarify the recited limitations. Claim 5 has been canceled without prejudice, and new Claims 14-19 have been added.

The July 29, 2004 Office Action rejected Claims 1-3, 6-11 and 13 under 35 U.S.C. § 102(e) over Park (U.S. Pat No. 6,728,233).

Applicants' specification discloses a system that wirelessly transmits two kinds of data - (a) packet data and (b) "low delay data," such as voice or video - to mobile stations, where the transmission rate of packet data may be determined by the mobile station, base station or both. See Fig. 5-9 and 11; page 2, line 19 to page 4, line 9; page 9, line 20 to page 11, line 23; page 14, line 22 to page 15, line 8. Park does not disclose such a system.

For Claim 1, Park does not disclose or teach a wireless communication apparatus with "a first processor operative to receive a first indicator, the first indicator corresponding to available packet data transmission power, which is equal to total transmit power from a base station to the wireless communication apparatus minus power used for low delay data transmission and pilot signal transmission, wherein low delay data comprises at least one of voice and video," as recited in Claim 1.

In addition, Park does not disclose or teach "a correlation unit operative to determine a packet data transmission rate indicator as a function of the first indicator and a signal strength of a pilot signal received from the base station," as recited in Claim 1.

Claims 2-8 depend from Claim 1, and Applicants respectfully submit that Claims 2-8 are allowable for the reasons stated above for Claim 1.

For Claim 2, Park does not disclose or teach a "first indicator corresponds to a ratio of available packet data transmission power-to-pilot channel power."

For Claim 8, Park does not disclose or teach "a wireless communication system supporting packet data transmissions and low delay data transmissions," as stated above. The Office Action cited col. 16, lines 19-30, but these lines do not disclose or teach "low delay data," such as voice or video as recited in Claim 1.

Applicants respectfully submit that Claims 9 and 13 and their dependent claims are allowable for the reasons stated above for Claim 1.

For Claim 9, Park does not disclose or teach a method comprising “establishing at least one low delay data communication link between a base station and a mobile station using a pilot signal with a first transmit power, wherein low delay data comprises at least one of voice and video; determining available packet data traffic power as a function of the total available transmit power, a low delay data transmit power, and the first transmit power; and determining a packet data transmission rate based on the available packet data traffic power.”

For Claim 10, the Office Action acknowledges that Park fails to explicitly teach at least one low delay data communication is a voice communication. As stated above, Park does not teach a combination system that transmits variable-rate packet data and low delay data such as voice.

The Office Action rejected Claims 4-5 and 12-13 under 35 U.S.C. § 103 over Park and Poirier (U.S. Pat No. 6,625,433). Col. 3, lines 30-46 of Poirier cited by the Office Action only disclose adjusting the gain of signals and adjusting a signal-to-noise ratio.

Poirier does not teach an “adjustment node operative to adjust the signal-to-noise ratio of the pilot signal in response to the ratio of available packet data transmission power-to-pilot channel power to determine a signal-to-noise ratio for packet data transmissions,” as recited in Claim 4. Poirier also does not teach the elements of Claim 1, which is the base claim of Claim 4. Thus, the combination of Park and Poirier does not teach Claim 4. Also, there is no motivation to combine Park and Poirier.

Claim 12 is believed to be allowable for the same reasons as Claim 4.

Claim 5 has been canceled.

For Claim 13, Parker and Poirier do not disclose a “wireless communication apparatus comprising a first processor operative to receive a first indicator, the first indicator corresponding to a ratio of available traffic-to-pilot power; a measurement unit operative to receive a pilot signal and determine a pilot signal-to-noise ratio of the pilot signal; a summation node coupled to the measurement unit and the first processor, the summation node operative to adjust the pilot signal-to-noise ratio by the first indicator to form a traffic signal-to-noise ratio; and a correlation

unit operative to receive the traffic signal-to-noise ratio and determine a data rate for packet data transmission from a base station to the wireless communication apparatus.”

Drawings

Applicants submit that the above amendments to the drawings do not make any substantive changes or introduce any new material, but are simply the correction of typographical errors. Applicants further submit that the amendments are consistent with the specification as originally submitted. Therefore, approval and entry of the above amendments are respectfully requested.

Applicants have concurrently filed herewith a Letter to the Official Draftsperson submitting formal drawings to replace the originally filed formal drawings, including corrected drawing informalities indicated in this amendment.

Specification

Applicants provide herewith amendments to the specification. The amendments to the specification are made by presenting marked up replacement paragraphs which identify changes made relative to the immediate prior version.

The changes made are primarily typographical or grammatical in nature, or involve minor clarifications of awkward wordings.

Applicants believe these changes add no new matter to the application and are fully supported by the original disclosure.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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